

REMARKS

In the Restriction Requirement mailed August 24, 2005, the Examiner has restricted the claims to one of the following inventions under 35 U.S.C. 121:

- I. Claims 1-10, 19 and 35, drawn to a method of treating bone associated cancer comprising administering a ^{166}Ho -DOTMP, a radioprotectant, and melphalan combination as set forth in independent claim 1, classified in class 534, subclass 10+.
- II. Claims 14-25, drawn to a method of treating a bone associated cancer comprising administering a ^{153}Sm -EDTMP and melphalan combination as set forth in independent claim 14, classified in class 534, subclass 10+.
- III. Claims 26-34, drawn to a composition comprising ^{153}Sm -EDTMP, a radioprotectant, and aqueous vehicle as set forth in independent claim 26, classified in class 534, subclass 10+.

Applicant elects, with traverse, Group III, claims 14-25. Claims 1-13 were previously cancelled in a Supplemental Preliminary Amendment filed on November 10, 2003.

Claims 19 and 35 are amended to correct their dependencies and to bring them within Group II.

The Examiner has not identified a materially-different process in which the product can be used, apart from the claimed treatment of a bone-associated cancer. Also, the Examiner has not identified a materially different product that can be used to practice the claimed process. Therefore, withdrawal of the restriction requirement with respect to the claims of Groups II and III is appropriate and is respectfully requested. Applicant also reserves the right to request rejoinder of the product claims and the process claims, upon indication of allowability of the product claims.

RESPONSE TO RESTRICTION REQUIREMENT

Serial Number: 10/601,081

Filing Date: June 20, 2003

Title: SKELETAL-TARGETED RADIATION TO TREAT BONE-ASSOCIATED PATHOLOGIES

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Dkt: 295.054US1

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 373-6903 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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By their Representatives,


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By 

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 23rd day of September, 2005.

Name

Dawn M. Poole

Signature

Dawn M. Poole